KAREN JAGIELSKI (KJ2103) Federal Trade Commission 600 Pennsylvania Avenue NJ-3122 Washington, DC 20580 202-326-2509 (voice) 202-326-3259 (facsimile)

ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION.

Plaintiff

v.

DIET COFFEE, INC., a corporation; **DAVID STOCKNOFF**, individually and as President, Chief Financial Officer, and a Director of Diet Coffee, Inc.; and **DAVID ATTARIAN**, individually and as Secretary and a Director of Diet Coffee, Inc.,

Defendants.

CASE NO. 1:08-cv-0094-JSR-DCF

ECF CASE

COMPLAINT FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF

Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), through its undersigned attorneys, alleges as follows:

1. The FTC brings this action pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), to secure injunctive relief and other equitable relief against Diet Coffee, Inc., a corporation; David Stocknoff, individually and as President,

Chief Financial Officer, and a Director of Diet Coffee, Inc.; and David Attarian, individually and as Secretary and a Director of Diet Coffee, Inc. ("defendants") for engaging in deceptive acts or practices and false advertising in connection with the advertising, marketing, and sale of a purported weight-loss product in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

JURISDICTION AND VENUE

- This Court has subject matter jurisdiction over plaintiff's claims pursuant to 2. 15 U.S.C. §§ 45(a), 52 and 53(b) and 28 U.S.C. §§ 1331, 1337(a) and 1345.
- Venue in the United States District Court for the Southern District of New York is 3. proper under 15 U.S.C. § 53(b) and 28 U.S.C. § 1391(b) and (c).

THE PARTIES

- Plaintiff FTC is an independent agency of the United States Government created 4. by statute. 15 U.S.C. §§ 41-58. The FTC enforces Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52, which prohibit, respectively, unfair or deceptive acts or practices, and false advertisements for food, drugs, devices, services, or cosmetics in or affecting commerce. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), authorizes the Commission to initiate federal district court proceedings to enjoin violations of the FTC Act, and to secure such equitable relief, including consumer redress, as may be appropriate in each case.
- 5. Defendant Diet Coffee, Inc. ("DCI") is a Delaware corporation doing business at 16 E. 40th St., New York, NY 10016. It markets a purported weight-loss product called "Slim Coffee" in this District and across the United States.
- Defendant David Stocknoff ("Stocknoff") is the President, Chief Financial 6. Officer, a Director, and a founding member of DCI. He does business at 16 E. 40th St., New

York, NY 10016. Individually, or in concert with others, Stocknoff directs, controls, formulates, or participates in the acts and practices complained of below. He transacts business in the Southern District of New York.

7. **Defendant David Attarian** ("Attarian") is the Secretary, a Director, and a founding member of DCI. He does business at 16 E. 40th St., New York, NY 10016. Individually, or in concert with others, Stocknoff directs, controls, formulates, or participates in the acts and practices complained of below. He transacts business in the Southern District of New York.

COMMERCE

8. The acts and practices of defendants, as alleged herein, are in or affecting commerce, as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANTS' COURSE OF CONDUCT

- 9. Since at least December 19, 2005, and continuing thereafter, defendants have labeled, advertised, promoted, offered for sale, sold, and distributed a purported weight-loss product called "Slim Coffee" to consumers throughout the United States. Advertisements for "Slim Coffee" have appeared on the Internet, radio, and television, including on Oxygen, Fox Reality Channel, A&E Television, The CW, WE, and Bravo. Advertisements also have appeared in magazines and Sunday newspaper supplements, including *SmartSource* by News America Marketing FSI, Inc.
- 10. According to its product label, Slim Coffee contains coffee, Vitamin E, ascorbic acid, chromium picolinate, Vitamin A, Vitamin B12, *Hoodia gordonii*, *Garcinia cambogia* extract, ginseng-panax root powder, and green tea extract. *Exhibit* ("Ex.") A.
 - 11. To induce consumers to purchase their products, defendants have disseminated, or

caused to be disseminated, advertisements for Slim Coffee, including, but not limited to the attached Exhibits A through K. Among other things, the advertisements contained the following statements or depictions:

Document 1

A. "Everybody wants to be thin, right? Well, stop starving yourself, stop popping pills and stop killing yourself at the gym with no results. Now, you can drink away the pounds with the Slim Coffee System, a remarkable way to shed those excess pounds by drinking delicious, flavorful coffee. There's no being hungry, strenuous exercise, or counting calories."

Ex. B; C; E; F; H; I, Attachments ("Atts.") 1 - 3; J.

"[C]linical studies have proven you can lose up to five pounds a week and up to В. 20 pounds a month. It's as easy as replacing your ordinary coffee with Slim Coffee and you start to see the pounds coming off."

Ex. G.

C. "[C]linical studies have proven you can lose up to five pounds a week and up to 20 pounds a month. Drink one cup of delicious Instant Slim Coffee with every meal. There's no need to change your eating habits or what you eat. Just replace your coffee with Slim Coffee and you will start to see results. It's that easy and all-natural."

Ex. B; C; E; F; H; I, Atts. 1 - 3; J.

"Clinically tested . . . this study shows all participants lost weight and over 50%D. also increased muscle mass."

Ex. B; C; D; E; F; H; I, Atts. 1 - 3: J.

"The secret is the all-natural ingredients. When infused into the delicious coffee E. and used in our system, the results are astounding. . . Your hunger pains and cravings are curbed, your metabolism is boosted and your body is turned into a fat-burning machine, burning two to five pounds a week."

Ex. B; C; E; F; H; I. Atts. 1 - 3; J.

"The New, Instant Weight-Loss Coffee That Burns Away Calories!" F.

Ex. K.

G. "Lose 3-5 Pounds A Week By Drinking Slim Coffee!" *Ex. K*.

H. "Revolutionary Slim Coffee is 100% premium dark-roasted coffee blended with scientifically proven weight-loss ingredients specially formulated to help you SHED POUNDS & INCHES - FAST"

Ex. J.

I. "Burn unwanted fat and lose weight with premium slim coffee, available in regular and decaffeinated."

Ex. G.

J. "Slim Coffee suppresses your appetite."

Ex. B; C; D; E; F; G; H; I, Atts. 1 - 3.

K. "These are the amazing results people are getting with Slim Coffee. One woman lost 13 pounds in one month. A gentleman lost 15 pounds. Another woman said she went from a size eight to a size two."

Ex. G.

"Since I've been on the Slim Coffee System, I've lost just over 16 pounds and I L. feel great."

Ex. B; C; D; E; F; H; I, Atts. 1 - 3.

"In the last month, using Slim Coffee and not changing anything else, I lost 12 M. pounds."

Ex. B; C; E; F; H; I, Att. 3.

DEFENDANTS' VIOLATIONS OF THE FTC ACT

Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts 12. or practices in or affecting commerce. Section 12(a) of the FTC Act, 15 U.S.C. § 52(a), prohibits the dissemination of any false advertisement, in or affecting commerce, for the purpose of inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or cosmetics.

For the purposes of Section 12 of the FTC Act, 15 U.S.C. § 52, Slim Coffee is 13. either a "food" or a "drug" as "food" and "drug" are defined in Sections 15(b) and (c) of the FTC Act, 15 U.S.C. § 55(b) and (c).

COUNT ONE

False and Deceptive Weight Loss Claims

- As described in Paragraph 11, including through the use of the trade name "Slim 14. Coffee" and the statements and depictions contained in the advertisements attached as Exhibits A through K, defendants have represented, expressly or by implication, that drinking Slim Coffee:
 - enables consumers to lose substantial weight, including as much as two to A. five pounds per week and twenty pounds per month, without the need to reduce caloric intake or increase physical activity;
 - causes rapid weight loss; B.
 - C. burns body fat;
 - D. increases muscle mass;
 - E. suppresses appetite; and
 - F. boosts metabolism sufficient to cause weight loss or burn body fat.
- 15. The representations set forth in Paragraph 14 are false or were not substantiated at the time the representations were made. Among other things, there are no reliable scientific studies of defendants' weight loss product, or of the ingredients in that product, to support the effects claimed in defendants' advertising. Therefore, the making of the representations in Paragraph 15 constitutes a deceptive practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and

COUNT TWO

False Establishment Claims

- As described in Paragraph 11, and the statements and depictions contained in the 16. advertisements attached as Exhibits A through K, defendants have represented, expressly or by implication, that clinical studies prove that drinking defendants' weight loss product, Slim Coffee, enables consumers to lose substantial weight, including as much as two to five pounds per week and twenty pounds per month, without the need to reduce caloric intake or increase physical activity.
- In truth and in fact, clinical studies do not prove that drinking defendants's weight 17. loss product, Slim Coffee, enables consumers to lose weight, including as much as two to five pounds per week and twenty pounds per month, without the need to reduce caloric intake or increase physical activity. Therefore, the making of the representation in Paragraph 16 constitutes a deceptive practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

CONSUMER INJURY

Consumers throughout the United States have suffered and continue to suffer 18. substantial monetary loss as a result of defendants' unlawful practices. In addition, defendants have been unjustly enriched as a result of their unlawful practices. Absent relief by this Court, defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

THIS COURT'S POWER TO GRANT RELIEF

Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant 19.

injunctive and such other relief as the Court may deem appropriate to halt and redress violations of the FTC Act. The Court, in the exercise of its equitable jurisdiction, may award other ancillary relief, including, but not limited to, rescission of contracts and restitution, and the disgorgement of ill-gotten gains caused by defendants' law violations.

PRAYER FOR RELIEF

WHEREFORE, plaintiff, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:

- (a) Enter a permanent injunction to prevent future violations of the FTC Act by defendants;
- (b) Award such relief as the Court finds necessary to redress injury to consumers resulting from defendants' violations of the FTC Act, including, but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies; and

(c) Award plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Respectfully submitted,

WILLIAM BLUMENTHAL

General Counsel

KAREN JAGIELSKI (KJ2103)

Federal Trade Commission

600 Pennsylvania Avenue, NW

NJ-3122

Washington, D.C. 20580

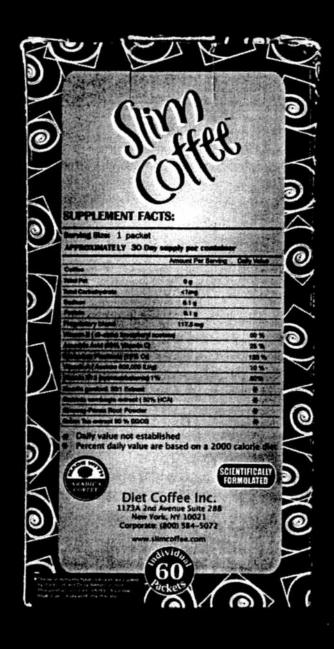
(202) 326-2509 (voice)

(202) 326-3259 (facsimile)

Dated: 13 08

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

EXHIBIT A



Case 1:08-cv-00094-JSR Document 1

EXHIBIT B

1		OFFICIAL TRANSCRIPT PROCEEDING
2		FEDERAL TRADE COMMISSION
3		
4		
5		
6	MATTER NO.	0723052
7		
8	TITLE	DIET COFFEE COMPANY, INC.
9		
10	DATE	RECORDED: MAY 9, 2006
11		TRANSCRIBED: MARCH 21, 2007
12		
13	PAGES	1 THROUGH 8
14		
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16		
17		
18	VIDEOTAI	PE SLIM COFFEE COMMERCIAL - OXYGEN
19		
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                             FEDERAL TRADE COMMISSION
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  3
           In the Matter of:
  4
           Diet Coffee Company, Inc.
                                          ) Matter No. 0723052
  5
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  7
                                          May 9, 2006
  8
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 10
 11
                     The following transcript was produced from a
          videotape provided to For The Record, Inc. on March 16,
12
13
          2007.
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1	PROCEEDINGS
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3	VIDEOTAPE SLIM COFFEE SYSTEM
4	ON SCREEN: (Left side of screen cut off)
5	ent Slim Coffee
6	le Slim Coffee
7	de Free Trial
8	one Generic
9	ngth 120 Seconds Mono 1/2
10	coding N/A
11	rector NCMG: Dan M
12	te May 9, 2006
13	MALE ANNOUNCER: Everybody wants to be thin,
14	right? Well, stop starving yourself, stop popping pills
15	and stop killing yourself at the gym with no results.
16	Now, you can drink away the pounds with the
17	Slim Coffee System
18	ON SCREEN: Slim Coffee Instant
19	MALE ANNOUNCER: a remarkable new way to
20	shed those excess pounds by drinking delicious, flavorful
21	coffee.
22	There's no being hungry, strenuous exercise or
23	counting calories.
24	Slim Coffee suppresses your appetite.
25	ON SCREEN: Before and After photos

	4
1	MALE ANNOUNCER: And clinical studies have
2	proven you can lose up to five pounds a week and up to 20
3	pounds a month.
4	Drink one cup of delicious Instant Slim Coffee
5	with every meal. There's no need to change your eating
6	habits or what you eat.
7	ON SCREEN: Before and After photos
8	Extraordinary results. Your results may vary.
9	MALE ANNOUNCER: Just replace your coffee with
10	Slim Coffee and you will start to see results. It's that
11	easy and all-natural.
12	ON SCREEN: NO Additional Caffeine
13	NO Ephedrine
14	Graphic of female in bathing suit shrinking in
15	body size
16	Graphic illustration for demonstration purposes
17	only
18	NO Jitters
19	Slim Coffee
20	MALE ANNOUNCER: There's no additional
21	caffeine, no ephedrine and no jitters, and yes, it really
22	works.
23	ON SCREEN: Study documentation
24	Clinically Tested
25	100% Lost Weight!

1	50% Increased Muscle Mass!
2	MALE ANNOUNCER: In fact, this study shows all
3	participants lost weight and over 50 percent also
4	increased muscle mass.
5	ON SCREEN: Chromium Picolinate
6	Picture of plant
7	MALE ANNOUNCER: The secret is the all-natural
8	ingredients. When infused into the delicious coffee and
9	used in our system, the results are astounding.
10	Instant Slim Coffee uses high quality healthy
11	ingredients, garcinia cambogia, a powerful appetite
12	suppressant, and hoodia gordonii.
13	ON SCREEN: Hoodia Plant
14	MALE ANNOUNCER: Its powerful properties help
15	you feel full so you eat less. Your hunger pains and
16	cravings are curbed. Your metabolism is boosted and your
17	body is turned into a fat-burning machine, burning two to
18	five pounds a week.
19	ON SCREEN: Before and After photos
20	Lost 16 Pounds!
21	Extraordinary results. Your results may vary.
22	UNIDENTIFIED FEMALE: Since I've been on the
23	Slim Coffee System, I've lost just over 16 pounds and I
24	feel great.
25	ON SCREEN: Before and After photos

For The Record, Inc. (301) 870-8025 - www.ftrinc.net - (800) 921-5555

2

1	Lost 12 Pounds!
2	Extraordinary results. Your results may vary
3	UNIDENTIFIED MALE: In the last month, using
4	Slim Coffee and not changing anything else, I lost 12
5	pounds.
6	ON SCREEN: FREE! plus s&h
7	Slim Coffee Instant
8	MALE ANNOUNCER: Call now to find out how to
9	get the Instant Slim Coffee in regular or decaffeinated
10	for free. That's right.
11	ON SCREEN: Before and After photos
12	Extraordinary results. Your results may vary.
13	MALE ANNOUNCER: We are so sure that you're
14	going to love your results that we will send you your
15	first box for free. You just pay the shipping and
16	handling.
17	ON SCREEN: FREE!
18	Call For Details
19	MALE ANNOUNCER: And also find out how you can
20	get this deluxe coffeemaker free with your order.
21	ON SCREEN: CALL NOW
22	MALE ANNOUNCER: Call now and get Slim Coffee
23	today.
24	Before and After photos
25	Extraordinary results. Your results may vary.

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1				ANNOUNCER:	You	ı have	nothing	to	lose	but
2	pounds	and	inch	nes.						
3			(The	commercial	was	conclu	ided.)			
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1 CERTIFICATION OF TYPIST 2 3 MATTER NUMBER: 0723052 4 CASE TITLE: DIET COFFEE COMPANY, INC. 5 TAPING DATE: MAY 9, 2006 TRANSCRIPTION DATE: MARCH 21, 2007 6 7 8 I HEREBY CERTIFY that the transcript contained herein is a full and accurate transcript of the tapes 9 transcribed by me on the above cause before the FEDERAL 10 TRADE COMMISSION to the best of my knowledge and belief. 11 12 13 DATED: MARCH 21, 2007 14 15 16 ELIZABETH M. FARRELL 17 CERTIFICATION OF PROOFREADER 18 19 20 I HEREBY CERTIFY that I proofread the transcript for accuracy in spelling, hyphenation, punctuation and 21 22 format. 23 24 25 WANDA J. RAVER

Case 1:08-cv-00094-JSR

Document 1

Filed 01/04/2008

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EXHIBIT C

1	OFFICIAL TRANSCRIPT PROCEEDING
2	FEDERAL TRADE COMMISSION
3	
4	
5	
6	MATTER NO. 0723052
7	
8	TITLE DIET COFFEE COMPANY, INC.
9	
10	DATE RECORDED: JANUARY 22, 2007
11	TRANSCRIBED: MARCH 6, 2007
12	
13	PAGES 1 THROUGH 6
14	
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18	VIDEO SEGMENT OFF WEBSITE WWW.SLIMCOFFEE.COM
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1	FEDERAL TRADE COMMISSION				
2	INDEX				
3					
4	VIDEO SEGMENT:	DACE.			
5	Slim Coffee Commercial	<u>PAGE</u> : 3			
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FEDERAL TRADE COMMISSION In the Matter of:) Diet Coffee Company, Inc.) Matter No. 0723052) January 22, 2007 The following transcript was produced from a CD-ROM provided to For The Record, Inc. on March 1, 2007.

1	PROCEEDINGS
2	
3	VIDEO SEGMENT OFF WEBSITE WWW.SLIMCOFFEE.COM
4	MALE ANNOUNCER: Everybody wants to be thin,
5	right? Well, stop starving yourself, stop popping pills
6	and stop killing yourself at the gym with no results.
7	(Music playing.)
8	ON SCREEN: Slim Coffee Instant
9	MALE ANNOUNCER: Now you can drink away the
10	pounds with the Slim Coffee System, a remarkable new way
11	to shed those excess pounds by drinking delicious,
12	flavorful coffee.
13	There's no being hungry, strenuous exercise or
14	counting calories.
15	Slim Coffee suppresses your appetite
16	ON SCREEN: Before and After photos
17	MALE ANNOUNCER: and clinical studies have
18	proven you can lose up to five pounds a week and up to 20
19	pounds a month.
20	Drink one cup of delicious Instant Slim Coffee
21	with every meal. There's no need to change your eating
22	habits or what you eat.
23	ON SCREEN: Before and After photos
24	(Very tiny print at bottom of screen is
25	illegible)

1	MALE ANNOUNCER: Just replace your coffee with
2	Slim Coffee and you will start to see results.
3	It's that easy and all-natural.
4	ON SCREEN: Graphic of woman getting skinnier
5	No additional caffeine
6	No Ephedrine
7	No Jitters
8	(Very tiny print at bottom of screen is
9	illegible.)
10	MALE ANNOUNCER: There's no additional
11	caffeine, no ephedrine and no jitters, and yes, it really
12	works.
13	ON SCREEN: 100% Lost Weight!
14	50% Increased Muscle Mass!
15	Clinically Tested
16	MALE ANNOUNCER: In fact, this study shows all
17	participants lost weight and over 50 percent also
18	increased muscle mass.
19	ON SCREEN: Chromium Picolinate
20	MALE ANNOUNCER: The secret is the all-natural
21	ingredients. When infused into the delicious coffee and
22	used in our system, the results are astounding. Instant
23	Slim Coffee uses high-quality, healthy ingredients,
24	garcinia cambogia, a powerful appetite suppressant, and
25	hoodia gordonii.

	•
1	ON SCREEN: Hoodia Plant
2	MALE ANNOUNCER: Its powerful properties help
3	you feel full so you eat less.
4	Your hunger pains and cravings are curbed, your
5	metabolism is boosted and your body is turned into a fat-
6	burning machine, burning two to five pounds a week.
7	ON SCREEN: Before and After photos
8	Lost 16 Pounds!
9	(Very tiny print at bottom of screen is
10	illegible.)
11	UNIDENTIFIED FEMALE: Since I've been on the
12	Slim Coffee System, I've lost just over 16 pounds and I
13	feel great.
14	ON SCREEN: Before and After photos
15	Lost 12 Pounds!
16	(Very tiny print at bottom of screen is
17	illegible.)
18	UNIDENTIFIED MALE: In the last month, using
19	Slim Coffee and not changing anything else, I lost 12
20	pounds.
21	(The video segment was concluded.)
22	
23	
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1	CERTIFICATION OF TYPIST
2	
3	MATTER NUMBER: 0723052
4	CASE TITLE: DIET COFFEE COMPANY, INC.
5	TAPING DATE: JANUARY 22, 2007
6	TRANSCRIPTION DATE: MARCH 6, 2007
7	
8	I HEREBY CERTIFY that the transcript contained
9	herein is a full and accurate transcript of the tapes
10	transcribed by me on the above cause before the FEDERAL
11	TRADE COMMISSION to the best of my knowledge and belief.
12	
13	DATED: MARCH 6, 2007
14	
15	
16	ELIZABETH M. FARRELL
17	
18	CERTIFICATION OF PROOFREADER
19	
20	I HEREBY CERTIFY that I proofread the transcript for
21	accuracy in spelling, hyphenation, punctuation and
22	format.
23	
24	
25	WANDA J. RAVER

EXHIBIT D

1		OFFICIAL TRANSCRIPT PROCEEDING
2		FEDERAL TRADE COMMISSION
3		
4		
5		
6	MATTER NO.	0723052
7		
8	TITLE	DIET COFFEE COMPANY, INC.
9		
10	DATE	RECORDED: NOVEMBER 20, 2006
11		TRANSCRIBED: MARCH 5, 2007
12		
13	PAGES	1 THROUGH 6
14		
15		
16		
17		
18		CD-ROM SLIM COFFEE COMMERCIAL
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1	FEDERAL TRADE COMMI	SSION
2	INDEX	
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4	VIDEO AD:	PAGE:
5	Slim Coffee	3
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1	FEDERAL TRADE COMMISSION
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3	In the Matter of:)
4	Diet Coffee Company, Inc.) Matter No. 0723052
5)
6)
7	November 20, 2006
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11	The following transcript was produced from a
12	CD-ROM provided to For The Record, Inc. on March 5, 2007.
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	3
1	PROCEEDINGS
2	
3	CD-ROM SLIM COFFEE SYSTEM
4	MALE ANNOUNCER: Everybody wants to be thin,
5	right?
6	(Music playing.)
7	MALE ANNOUNCER: Now, you can drink away the
8	pounds with the Slim Coffee System
9	ON SCREEN: Slim Coffee Instant
10	MALE ANNOUNCER: a remarkable new way to
11	shed those excess pounds by drinking delicious, flavorful
12	coffee.
13	ON SCREEN: These statements have not been
14	evaluated by the Food and Drug Administration. This
15	product is not intended to diagnose, treat, cure or
16	prevent any disease. Consult your physician prior to
17	starting any weight loss program.
18	MALE ANNOUNCER: Slim Coffee suppresses your
19	appetite.
20	ON SCREEN: 100% Lost Weight
21	50% Increased Muscle Mass
22	Clinically Tested
23	MALE ANNOUNCER: In fact, this study shows all
24	participants lost weight and over 50 percent also
25	increased muscle mass.

	4
1	ON SCREEN: 1-800-399-0923
2	MALE ANNOUNCER: Instant Slim Coffee uses high
3	quality healthy ingredients, garcinia cambogia and hoodia
4	gordonii.
5	ON SCREEN: Hoodia Plant
6	1-800-399-0923
7	MALE ANNOUNCER: Its powerful properties help
8	you feel full so you eat less.
9	ON SCREEN: Curb Your Cravings!
10	Boost Your Metabolism!
11	1-800-399-0923
12	MALE ANNOUNCER: Your hunger pains and cravings
13	are curbed. Your metabolism is boosted and your body is
14	turned into a fat-burning machines.
15	ON SCREEN: Before and After photos
16	Lost 16 Pounds!
17	Extraordinary results. Your results may vary.
18	UNIDENTIFIED FEMALE: Since I've been on the
19	Slim Coffee System, I've lost just over 16 pounds.
20	ON SCREEN: FREE! plus s&h
21	Slim Coffee Instant
22	1-800-399-0923
23	MALE ANNOUNCER: Call now to find out how to
24	get the Instant Slim Coffee in regular or decaffeinated
25	for free. You just pay the shipping and handling.

1	ON SCREEN: FREE!
2	Call For Details
3	style, color, design may vary
4	1-800-399-0923
5	MALE ANNOUNCER: Find out how you can get this
6	deluxe coffeemaker free with your order.
7	ON SCREEN: Get SLIM COFFEE Today
8	for FREE!
9	(plus S&H)
10	30 Day Money Back Guarantee (less s&h)
11	* minimum order (tiny print illegible) free
12	offer
13	1-800-399-0923
14	Before and After photos
15	MALE ANNOUNCER: Call 800-399-0923 to find out
16	how you can get a one-month supply of Slim Coffee and the
17	deluxe coffee machine free with your order. Call 800-
18	399-0923. Call 800-399-0923.
19	(The commercial was concluded.)
20	
21	
22	
23	
24	
25	

For The Record, Inc. (301) 870-8025 - www.ftrinc.net - (800) 921-5555

1	CERTIFICATION OF TYPIST
2	
3	MATTER NUMBER: 0723052
4	CASE TITLE: DIET COFFEE COMPANY, INC.
5	TAPING DATE: NOVEMBER 20, 2006
6	TRANSCRIPTION DATE: MARCH 5, 2007
7	
8	I HEREBY CERTIFY that the transcript contained
9	herein is a full and accurate transcript of the tapes
10	transcribed by me on the above cause before the FEDERAL
11	TRADE COMMISSION to the best of my knowledge and belief.
12	
13	DATED: MARCH 5, 2007
14	
15	
16	ELIZABETH M. FARRELL
17	•
18	CERTIFICATION OF PROOFREADER
19	
20	I HEREBY CERTIFY that I proofread the transcript for
21	accuracy in spelling, hyphenation, punctuation and
22	format.
23	
24	
25	WANIDA T DAVIED

EXHIBIT E

1		OFFICIAL TRANSCRIPT PROCEEDING
2		FEDERAL TRADE COMMISSION
3		
4		
5		
6	MATTER NO.	0723052
7		
8	TITLE	DIET COFFEE COMPANY, INC.
9		
10	DATE	RECORDED: SEPTEMBER 16, 2006
11		TRANSCRIBED: MARCH 28, 2007
12		
13	PAGES	1 THROUGH 8
14		
15		
16		
17		
18		SLIM COFFEE COMMERCIAL
19		
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1	FEDERAL TRADE COMMISSION	
2	INDEX	
3		
4	<u>DVD</u> :	PAGE:
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FEDERAL TRADE COMMISSION In the Matter of:) Diet Coffee Company, Inc.) Matter No. 0723052) September 16, 2006 The following transcript was produced from a DVD provided to For The Record, Inc. on March 28, 2007.

1 PROCEEDINGS 2 3 SLIM COFFEE COMMERCIAL 4 MALE ANNOUNCER: Everybody wants to be thin, 5 Well, stop starving yourself, stop popping pills right? and stop killing yourself at the gym with no results. 6 7 (Music playing.) 8 ON SCREEN: Slim Coffee Instant 9 MALE ANNOUNCER: Now you can drink away the pounds with the Slim Coffee System, a remarkable new way 10 to shed those excess pounds by drinking delicious, 11 12 flavorful coffee. ON SCREEN: www.slimcoffee.com 13 14 1-800-910-1165 15 MALE ANNOUNCER: There's no being hungry, 16 strenuous exercise or counting calories. 17 Slim Coffee suppresses your appetite --18 ON SCREEN: Before and After photos 19 Lose Up To 5 lbs A Week! 20 Up To 20 lbs A Month! 21 (Tiny print at bottom of screen illegible) MALE ANNOUNCER: -- and clinical studies have 22 23 proven you can lose up to five pounds a week and up to 20 24 pounds a month. 25 ON SCREEN: www.slimcoffee.com

1	1-800-910-1165
2	MALE ANNOUNCER: Drink one cup of delicious
3	Instant Slim Coffee with every meal. There's no need to
4	change your eating habits or what you eat.
5	ON SCREEN: Before and After photos
6	Extraordinary results. Your results may vary.
7	MALE ANNOUNCER: Just replace your coffee with
8	Slim Coffee and you will start to see results.
9	It's that easy and all-natural.
10	ON SCREEN: Graphic of woman getting skinnier
11	No additional caffeine
12	No Ephedrine
13	No Jitters
14	Graphic illustration for demonstration purposes
15	only.
16	MALE ANNOUNCER: There's no additional
17	caffeine, no ephedrine and no jitters, and yes, it really
18	works.
19	ON SCREEN: 100% Lost Weight!
20	50% Increased Muscle Mass!
21	Clinically Tested
22	MALE ANNOUNCER: In fact, this study shows all
23	participants lost weight and over 50 percent also
24	increased muscle mass.
25	ON SCREEN: Chromium Picolinate

	5
1	MALE ANNOUNCER: The secret is the all-natural
2	ingredients. When infused into the delicious coffee and
3	used in our system, the results are astounding. Instant
4	Slim Coffee uses high-quality, healthy ingredients,
5	garcinia cambogia, a powerful appetite suppressant, and
6	hoodia gordonii.
7	ON SCREEN: Hoodia Plant
8	This product has not been evaluated by the FDA.
9	It is not intended to treat, cure or prevent any disease.
10	Consult with your physician before starting any weight
11	loss program.
12	MALE ANNOUNCER: Its powerful properties help
13	you feel full so you eat less.
14	ON SCREEN: Curb Your Cravings!
15	Boost Your Metabolism!
16	www.slimcoffee.com
17	1-800-910-1165
18	MALE ANNOUNCER: Your hunger pains and cravings
19	are curbed, your metabolism is boosted and your body is
20	turned into a fat-burning machine, burning two to five
21	pounds a week.
22	ON SCREEN: Before and After photos
23	Lost 16 Pounds!
24	Extraordinary results. Your results may vary.
25	UNIDENTIFIED FEMALE: Since I've been on the

1	Slim Coffee System, I've lost just over 16 pounds and I
2	feel great.
3	ON SCREEN: Before and After photos
4	Lost 12 Pounds!
5	Extraordinary results. Your results may vary
6	UNIDENTIFIED MALE: In the last month, using
7	Slim Coffee and not changing anything else, I lost 12
8	pounds.
9	ON SCREEN: www.slimcoffee.com
10	1-800-910-1165
11	MALE ANNOUNCER: Call now to find out how to
12	get the Instant Slim Coffee in regular or decaffeinated
13	for free. That's right.
14	ON SCREEN: www.slimcoffee.com
15	1-800-910-1165
16	Before and After photos
17	Extraordinary results. Your results may vary.
18	MALE ANNOUNCER: We are so sure that you're
19	going to love your results that we will send you your
20	first box for free. You just pay the shipping and
21	handling.
22	ON SCREEN: FREE!
23	Call For Details
24	www.slimcoffee.com
25	1-800-910-1165

7 .

1	MALE ANNOUNCER: And also find out how you can
2	get this deluxe coffeemaker free with your order.
3	ON SCREEN: CALL NOW
4	www.slimcoffee.com
5	1-800-910-1165
6	MALE ANNOUNCER: Call now and get Slim Coffee
7	today.
8	ON SCREEN: Before and After photos
9	Extraordinary results. Your results may vary.
10	MALE ANNOUNCER: You have nothing to lose but
11	pounds and inches.
12	ON SCREEN: Get Slim Coffee today for FREE!
13	(Plus s&h)
14	30 Day Money Back Guarantee (less s&h)
15	Minimum order required to receive FREE coffee
16	www.slimcoffee.com
17	1-800-910-1165
18	MALE ANNOUNCER: Call 1-800-910-1165 to find
19	out how to get Instant Slim Coffee for free. Start
20	losing weight today with all-natural, delicious Instant
21	Slim Coffee for free. Call 1-800-910-1165. That's 1-
22	800-910-1165.
23	(The commercial was concluded.)
24	
25	

1	CERTIFICATION OF TYPIST
2	
3	MATTER NUMBER: 0723052
4	CASE TITLE: DIET COFFEE COMPANY, INC.
5	TAPING DATE: SEPTEMBER 16, 2006
6	TRANSCRIPTION DATE: MARCH 28, 2007
7	
8	I HEREBY CERTIFY that the transcript contained
9	herein is a full and accurate transcript of the tapes
10	transcribed by me on the above cause before the FEDERAL
11	TRADE COMMISSION to the best of my knowledge and belief.
12	
13	DATED: MARCH 28, 2007
14	
15	
16	ELIZABETH M. FARRELL
17	
18	CERTIFICATION OF PROOFREADER
19	
20	I HEREBY CERTIFY that I proofread the transcript for
21	accuracy in spelling, hyphenation, punctuation and
22	format.
23	
24	
25	WANDA J. RAVER

Page 48 of 69

EXHIBIT F

1		OFFICIAL TRANSCRIPT PROCEEDING
2		FEDERAL TRADE COMMISSION
3		
4		
5		
6	MATTER NO.	0723052
7		
8	TITLE	DIET COFFEE COMPANY, INC.
9		
10	DATE	RECORDED: MAY 26, 2006
11		TRANSCRIBED: FEBRUARY 8, 2007
12		
13	PAGES	1 THROUGH 9
14		
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18	v	VIDEOTAPE - SLIM COFFEE COMMERCIAL
19		
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1	FEDERAL TRADE COMMISSION	
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                              FEDERAL TRADE COMMISSION
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   3
            In the Matter of:
                                            )
  4
           Diet Coffee Company, Inc.
                                           ) Matter No. 0723052
  5
                                            )
  6
  7
                                           May 26, 2006
  8
  9
 10
 11
                     The following transcript was produced from a
           videotape provided to For The Record, Inc. on February 5,
 12
 13
           2007.
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1	PROCEEDINGS
2	
3	VIDEOTAPE SLIM COFFEE SYSTEM
4	MALE ANNOUNCER: Everybody wants to be thin,
5	right? Well, stop starving yourself, stop popping pills
6	and stop killing yourself at the gym with no results.
7	(Music playing.)
8	ON SCREEN: Slim Coffee Instant
9	MALE ANNOUNCER: Now, you can drink away the
10	pounds with the Slim Coffee System
11	ON SCREEN: www.slimcoffee.com
12	1-800-596-1687
13	MALE ANNOUNCER: a remarkable new way to
14	shed those excess pounds by drinking delicious, flavorful
15	coffee.
16	There's no being hungry, strenuous exercise or
17	counting calories.
18	Slim Coffee suppresses your appetite
19	ON SCREEN: Before and After photos
20	Lose Up To lbs A Week!
21	Up To 20 lbs A Month!
22	(Very tiny print at bottom of screen is
23	illegible)
24	MALE ANNOUNCER: and clinical studies have
25	proven you can lose up to five pounds a week and up to 20

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1	pounds a month.
2	ON SCREEN: www.slimcoffee.com
3	1-800-596-1687
4	MALE ANNOUNCER: Drink one cup of delicious
5	Instant Slim Coffee with every meal. There's no need to
6	change your eating habits or what you eat.
7	ON SCREEN: Before and After photos
8	(Very tiny print at bottom of screen is
9	illegible)
10	MALE ANNOUNCER: Just replace your coffee with
11	Slim Coffee and you will start to see results.
12	It's that easy and all-natural.
13	ON SCREEN: Graphic of woman getting skinnier
14	No additional caffeine
15	No Ephedrine
16	No Jitters
17	(Very tiny print - Graphic illustration for
18	demonstration purposes only)
19	MALE ANNOUNCER: There's no additional
20	caffeine, no ephedrine and no jitters, and yes, it really
21	works.
22	ON SCREEN: 100% Lost Weight!
23	50% Increased Muscle Mass!
24	· Clinically Tested
25	MALE ANNOUNCER: In fact, this study shows all

1	participants lost weight and over 50 percent also
2	increased muscle mass.
3	ON SCREEN: Chromium Picolinate
4	MALE ANNOUNCER: The secret is the all-natural
5	ingredients. When infused into the delicious coffee and
6	used in our system, the results are astounding. Instant
7	Slim Coffee uses high-quality, healthy ingredients,
8	garcinia cambogia, a powerful appetite suppressant, and
9	hoodia gordonii.
10	ON SCREEN: Hoodia Plant
11	(Very tiny print at bottom of screen) This
12	product has not been evaluated by the FDA. It is not
13	intended to treat, cure or (illegible) any disease.
14	Consult your physician before starting any weight loss
15	program.
16	MALE ANNOUNCER: Its powerful properties help
17	you feel full so you eat less.
18	ON SCREEN: Curb Your Cravings!
19	Boost Your Metabolism!
20	www.slimcoffee.com
21	1-800-596-1687
22	MALE ANNOUNCER: Your hunger pains and cravings
23	are curbed, your metabolism is boosted and your body is
24	turned into a fat-burning machine, burning two to five
25	pounds a week.

1	ON SCREEN: Before and After photos
2	Lost 16 Pounds!
3	Extraordinary results. Your results may vary.
4	UNIDENTIFIED FEMALE: Since I've been on the
5	Slim Coffee System, I've lost just over 16 pounds and I
6	feel great.
7	ON SCREEN: Before and After photos
8	Lost 12 Pounds!
9	Extraordinary results. Your results may vary.
10	UNIDENTIFIED MALE: In the last month, using
11	Slim Coffee and not changing anything else, I lost 12
12	pounds.
13	ON SCREEN: FREE! S&H
14	www.slimcoffee.com
15	Instant 1-800-596-1687
16	MALE ANNOUNCER: Call now to find out how to
17	get the Instant Slim Coffee in regular or decaffeinated
18	for free. That's right.
19	ON SCREEN: Before and After Photos
20	Extraordinary results. Your results may vary.
21	MALE ANNOUNCER: We are so sure that you're
22	going to love your results that we will send you your
23	first box for free. You just pay the shipping and
24	handling.
25	ON SCREEN. FREE!

1	Call For Details
2	www.slimcoffee.com
3	1-800-596-1687
4	MALE ANNOUNCER: And also find out how you can
5	get this deluxe coffeemaker free with your order.
6	ON SCREEN: Call Now!
7	www.slimcoffee.com
8	1-800-596-1687
9	MALE ANNOUNCER: Call now and get Slim Coffee
10	today.
11	ON SCREEN: Before and After Photos
12	Extraordinary results. Your results may vary.
13	MALE ANNOUNCER: You have nothing to lose but
14	pounds and inches.
15	ON SCREEN: Get SLIM COFFEE Today
16	for FREE!
17	(plus S&H)
18	30 Day Money Back Guarantee (less s&h)
19	(Tiny print illegible)
20	www.slimcoffee.com
21	1-800-596-1687
22	Before and After photos
23	MALE ANNOUNCER: Call 1-800-596-1687 to find
24	out how to get Instant Slim Coffee for free. Start
25	losing weight today with all-natural, delicious Instant

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Slim Coffee for free. Call 1-800-596-1687.
   1
                                                             That's 1-
   2
            800-596-1687.
   3
                       (The commercial was concluded.)
   4
                       (The videotape was concluded.)
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1	CERTIFICATION OF TYPIST
2	
3	MATTER NUMBER: 0723052
4	CASE TITLE: DIET COFFEE COMPANY, INC.
5	TAPING DATE: MAY 26, 2006
6	TRANSCRIPTION DATE: FEBRUARY 8, 2007
7	
8	I HEREBY CERTIFY that the transcript contained
9	herein is a full and accurate transcript of the tapes
10	transcribed by me on the above cause before the FEDERAL
11	TRADE COMMISSION to the best of my knowledge and belief.
12	
13	DATED: FEBRUARY 8, 2007
14	
15	
16	ELIZABETH M. FARRELL
17	
18	CERTIFICATION OF PROOFREADER
19	
20	I HEREBY CERTIFY that I proofread the transcript for
21	accuracy in spelling, hyphenation, punctuation and
22	format.
23	
24	
25	WANDA J. RAVER

EXHIBIT G

1		OFFICIAL TRANSCRIPT PROCEEDING
2		FEDERAL TRADE COMMISSION
3		
4		
5		
6	MATTER NO.	0723052
7		
8	TITLE	DIET COFFEE COMPANY, INC.
9		
10	DATE	RECORDED: MAY 10, 2006
11		TRANSCRIBED: MARCH 5, 2007
12		
13	PAGES	1 THROUGH 4
14		
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17		
18		RADIO AD SLIM COFFEE
19		
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21		
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	2
1	FEDERAL TRADE COMMISSION
2	
3	In the Matter of:
4	Diet Coffee Company, Inc.) Matter No. 0723052
5)
6)
7	May 10, 2006
8	
9	
10	
11	The following transcript was produced from a
12	CD-ROM provided to For The Record, Inc. on March 5, 2007.
13	
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1	PROCEEDINGS
2	
3	RADIO AD SLIM COFFEE
4	FEMALE ANNOUNCER: These are the amazing
5	results people are getting with Slim Coffee. One woman
6	lost 13 pounds in one month. A gentleman lost 15 pounds
7	Another woman said she went from a size eight to a size
8	two.
9	Slim Coffee is an all-natural, delicious
10	premium coffee, scientifically formulated to help you
11	lose weight. Slim Coffee suppresses your appetite and
12	clinical studies have proven you can lose up to five
13	pounds a week and up to 20 pounds a month. It's as easy
14	as replacing your ordinary coffee with Slim Coffee and
15	you start to see the pounds coming off.
16	Burn unwanted fat and lose weight with premium
17	slim coffee, available in regular and decaffeinated.
18	1-800-860-4830. That's 1-800-860-4830. Call
19	now and ask how to get a free one-month supply of Slim
20	Coffee and a free coffee machine. That's over a \$100
21	value free with your order.
22	Visit www.slimcoffee.com or call 1-800-860-
23	4830. That's 1-800-860-4830.
24	(The radio ad was concluded.)
25	

1	CERTIFICATION OF TYPIST
2	
3	MATTER NUMBER: 0723052
4	CASE TITLE: DIET COFFEE COMPANY, INC.
5	TAPING DATE: MAY 10, 2006
6	TRANSCRIPTION DATE: MARCH 5, 2007
7	
8	I HEREBY CERTIFY that the transcript contained
9	herein is a full and accurate transcript of the tapes
10	transcribed by me on the above cause before the FEDERAL
11	TRADE COMMISSION to the best of my knowledge and belief.
12	
13	DATED: MARCH 5, 2007
14	
15	
16	ELIZABETH M. FARRELL
17	
18	CERTIFICATION OF PROOFREADER
19	
20	I HEREBY CERTIFY that I proofread the transcript for
21	accuracy in spelling, hyphenation, punctuation and
22	format.
23	
24	
25	WANDA .T RAVER

Case 1:08-cv-00094-JSR Document 1

Filed 01/04/2008 Page 65 of 69

EXHIBIT H

Television Advertisement Dated 11/19/07 VHS TO BE FILED

EXHIBIT I

Television Advertisement Dated 11/20/06, Att. 1

Television Advertisement Dated 09/16/06, Att. 2

Television Advertisement Dated 05/26/06, Att. 3

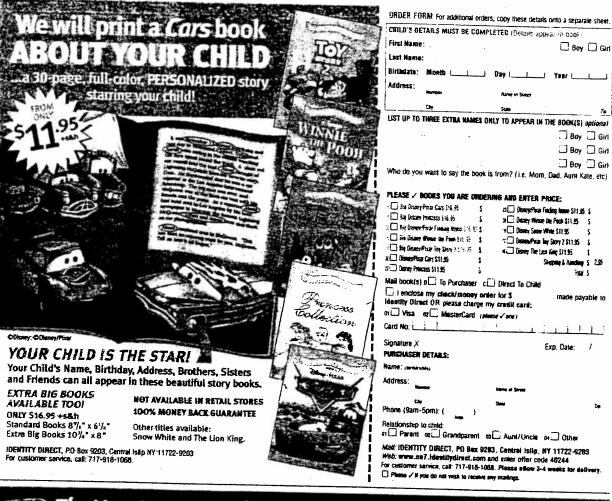
DVD TO BE FILED

EXHIBIT J

Website Video Dated January 22, 2007

DVD TO BE FILED

EXHIBIT K



The New, Instant Weight-Loss Coffee That Burns Away Calories!

Lose 3-5 Pounds A Week By Drinking Slim Coffee!"

SUPPRESSES YOUR APPETITE!
BURNS UNWANTED FATE
GIVES YOU AN ENERGY BOOST!

Pounds
In One Week"

- Traci

AFTER

Fet Burning! High Energy!

Ephedra-Free!

Great-Tasting Regular Or Decaft Offee

O FAT!

<u>0</u> CARBS! <u>0</u> CALORIES!

Control (see 1921) for your energy leady when you follow the complete: Shin Colline region in system. These abstracts have not been contained by the 40%. This product is not in model to disappear these co-case pay disease.

*Call Now To Find Out

How To Get Your

RISK FREE Trial Offer

Revolutionary Slam Coffee is 100% premium darkroasted coffee blended with scientifically proven
weight-loss ingredients specially formulated to
help you SHED POUNDS & INCHES — FAST:
HOODIA GORDOHI — helps salec you feel full so you eat less
GARCHIA CAM ACCIA — helps suppress your appetite
CHROMAM HCDLINATE — a strong fat burner
GREEN TEA EXTRACT — known to boost your metabolism
VITANINB-12 — an effective autoridant to combat free radicals
There's no added caffeine, no jitters, no harsh
ephedra or aftertaste. Slim Coffee turns your body

There's no added caffeine, no jitters, no harsh epitedra or aftertaste. Slim Coffee turns your body into a high-energy, fat-burning system that revs up your metabolism's natural thermogenesis!



40006 The Dung Carlos Company oc. At Republication

1-800-605-4761 Order Online: www.5--slim-coffee.com